

is one that rests fundamentally with the boards of these schools as they prepare to move forward as separate and distinct entities apart from ACHS, Inc.”

93. The Chairman, Secretary/Clerk, and Treasurer, of all eight of the newly incorporated high schools are identical and are all officers of ACHS, Inc.

94. By letter dated March 15, 2004, all employees in the bargaining unit at all eight schools received a letter from the new President of the board of their newly incorporated high school.

95. All March 15, 2004 letters to the bargaining unit members had an attachment.

96. The attachment to the March 15, 2004 letters asked that the teacher signify his or her interest in working for the newly formed corporations.

97. The teachers were asked to return the forms they received in the March 15, 2004 letter indicating their interest in working for the new corporation to their principal.

98. On March 22, 2004, counsel for BATA requested the new corporations enter into negotiations concerning wages, hours, and terms and conditions of employment.

99. On March 30, 2004, labor counsel for all eight new corporations wrote to BATA's counsel that the eight new corporations did not intend to bargain with BATA.

100. During the term of the CBA, BATA is the exclusive representative of the lay teachers and counselors at the eight Central high Schools and any direct dealing with these employees is a violation of the CBA.

101. During the term of the CBA, BATA is the exclusive representative of the lay teachers and counselors at the eight Central high Schools and any unilateral change in the terms and conditions is a violation of the CBA.

102. The new corporations have unilaterally changed wages, hours, working conditions, fringe benefits, and employment status.

103. The new corporations have threatened retaliation, and have retaliated, against employees who attempt to exercise their right to collectively bargain.

104. The new corporations have retaliated against covered employees based on union activity or union membership in violation of the CBA.

105. In *Rerum Novarum* and *Gaudium et Spes* and *Laborem Exercens* the Catholic Church's doctrine of clear and unequivocal support for the formation, recognition, and importance of unions is exemplified. The current Chairman of all eight new boards, who is also the Archbishop of the Roman Catholic Archdiocese of Boston, is staunchly advocating a position in direct contravention of the teachings of the Catholic Church.

#### COUNT I

106. Paragraphs 1-105 are hereby incorporated and referenced herein as if restated.

107. The Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, the Roman Catholic Archdiocese of Boston, and North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., at all material times have had a substantial identity in terms of corporate control, management, business purposes and business operations, and are thus alter egos.

108. North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., being alter egos of the Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Roman Catholic Archdiocese of Boston, are equally bound by the terms of the collective bargaining agreement.

#### COUNT II

109. 1-108 are hereby incorporated and referenced herein as if restated.

110. The Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Roman Catholic Archdiocese of Boston have breached its agreement with BATA by refusing to require its successor at each high school to recognize BATA as the exclusive bargaining representative.

#### COUNT III

111. Paragraphs 1-110 are hereby incorporated and referenced herein as if restated.

112. The Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Archdiocese of Boston have breached its agreement with BATA by refusing to bargain as required by the collective bargaining agreement.

#### COUNT IV

113. Paragraphs 1-112 are hereby incorporated and referenced herein as if restated.

114. North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., have tortiously interfered with a contractual relationship in violation of Massachusetts law by direct dealing with unionized employees concerning wages, hours, and terms and conditions of employment.

#### CONCLUSION AND REQUESTED RELIEF

Whereas the Defendants have violated Federal labor laws, breached the existing collective bargaining agreement with BATA, and violated Massachusetts state law, to the unrelenting harm of all professional lay teachers and counselors at the eight central high schools represented by BATA, Plaintiff requests judgment against the Defendants as follows:

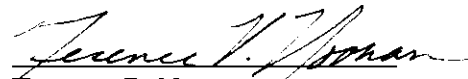
- a. That Defendants Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Roman Catholic Archdiocese of Boston be ordered to fulfill their obligation under the collective bargaining agreement and bargain with BATA, require its successor, if any, to recognize BATA, and to cease and desist from making any further unilateral changes in working conditions;
- b. That Defendants North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., be deemed alter egos of Archdiocesan Central High Schools,

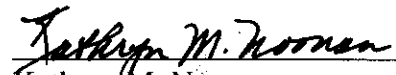
Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Roman Catholic Archdiocese of Boston and thus be bound to the collective bargaining agreement;

- c. In the alternative find that Defendants North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., are successors to Archdiocesan Central High Schools, Inc., Archbishop Sean P. O'Malley, as a corporation sole, and the Roman Catholic Archdiocese of Boston and thus be bound to recognize and negotiate with BATA;
- d. That Defendants North Cambridge Catholic High School, Inc., Cathedral High School, Inc., Matignon High School, Inc., Pope John XXIII High School, Inc., Bishop Fenwick High School, Inc., Cardinal Spellman High School Inc., Marian High School, Inc., and Archbishop Williams High School, Inc., be deemed to have tortiously interfered with a contractual relationship and permanently enjoined from any further contact or communication with employees represented by BATA and be ordered to pay all reasonable attorneys' fees in connection with this action, and;
- e. That Plaintiff receive such other legal and/or equitable relief as the Court deems just and proper.

Dated: June 4, 2004

Respectfully submitted,  
On behalf of BATA,  
By its attorneys,

  
Terence P. Noonan  
BBO#648712

  
Kathryn M. Noonan  
BBO#373340  
Law Office of Kathryn M. Noonan  
1150 Walnut St.  
Newton, MA. 02461  
(617) 969-4518

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

*Boston NECHDILOSE TEACHERS ASSOCIATION*

(b) County of Residence of First Listed Plaintiff *Suffolk*  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

*TERENCE P. NOONAN  
Kathryn M. Noonan  
Law Office of Kathryn M. Noonan 1150 Walnut St.  
Newton, MA 02461 (617) 969-4518*

## DEFENDANTS

*Archdiocese Central High School, Inc.,  
Archbishop Sean P. O'Malley as a corporation sole,  
The Rt. Rev. John J. McCarthy, Bishop of Boston, NORTH BRIDGEB  
CATHOLIC High School, Inc., Catholic High School, Inc., Holy Cross  
High School, Inc., Pope John High School, Inc.,  
County of Residence of First Listed *Suffolk**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known) *Sean Sweeney  
Murphy, Lamerie and Murphy  
Boston, MA*

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4  
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

*29 U.S.C. 185, et seq. - Breach of contract - other eye - tortious interference*

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S)

(See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

*6/4/04**Terence P. Noonan*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Boston Archdiocese Teachers Association  
v. Archdiocese Central High Schs, Inc. **FILED**  
**IN CLERKS OFFICE**

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. **U.S. DISTRICT COURT DISTRICT OF MASS.**
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

04-11197MLW

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

☒ NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

☒ NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

☒ NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

☒ EASTERN DIVISION☐ CENTRAL DIVISION☐ WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

☐ EASTERN DIVISION☐ CENTRAL DIVISION☐ WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

TERENCE P. Noonan

ADDRESS

1150 Walnut St. Newton, MA 02461

TELEPHONE NO.

617.969.4518

(Cover sheet local.wpd - 11/27/00)